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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,927	05/14/2007	Eduardo Compains	2003P01930WOUS	9211

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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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WALDBAUM, SAMUEL A

ART UNIT	PAPER NUMBER
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1712

NOTIFICATION DATE	DELIVERY MODE
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05/06/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,927	<b>Applicant(s)</b> COMPAINS ET AL.	
	<b>Examiner</b> SAMUEL A. WALDBAUM	<b>Art Unit</b> 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 2/12/10.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10, 12-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. In view of the appeal brief filed on February 12, 2010, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Michael Cleveland/

Supervisory Patent Examiner, Art Unit 1712.

### ***Response to Arguments***

1. The previous rejection is hereby withdrawn upon further consideration by the examiner. A new rejection below in light of further discussion of the cited art.

2. In response to applicant's argument that Deuring (U.S. 4,826,180) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was

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concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Deuring is solving the same problem as Kim of strengthening a flexible seal member.

3.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 8, 10-16 & 21 rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al (U.S. pgpub 2004/0103693, hereafter `693).**

5. Claims 8 and 14: `693 teaches a machine housing (fig. 4, part 100, [0049]), a lye container (fig. 4, part 200), a cantilevered rotating drum (fig. 4, part 300, [0056]), a front load opening (fig. 4, part 111, [0050]), with a bellow type collar (fig. 4 and 5, part 500, [0065]) connecting the lye container and the front panel (fig. 4, clearly shows the gasket connecting the lye container to the front panel, [0065]-[0070]), composed of an inner collar fixed to the housing (fig. 4 & 5, part 511), a central collar (fig. 5, part 512) and a outer collar coupled to the lye container (fig. 5, part 513), with a annular stiffening element (fig. 5, part 532) comprising a thickening area (fig. 4 & 5, part 532, is a thickening of the end of the inner visible collar closes to the lye container) reducing the deformation of the collar ([0075] & [0081]). `693 teaches a non-visible section of the bellow type collar (fig. 4 & 5, the central collar is non-visible) with an articulated section disposed on that non-visible section (page 11 of applicants appeal brief,

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paragraph 4, lines 8 and 9, applicant defines articulated section as “two parts are joined to each other in a way that these parts may swivel relative to each other at the articulation”, ‘693 teaches that the articulated section is the section of the non-visible central collar that meets up at the annular stiffening element of the inner visible section, see fig. 5, [0067]-[0070], furthermore there is also a second articulated section where the central ring meets up with the outer ring, creating the bending joint) .

6. Claim 10: ‘693 teaches that the stiffening element lies in the area of the inner collar ring that lies closest to the drum next of the drum (fig. 4 & 5, clearly shows that the stiffening element 532, lies closes tot he drum neck).

7. Claim 12: ‘693 teaches that the articulated section is formed of a thinner material area between two thickened areas of the bellows type collar (fig. 5, the first thickened area is the stiffening element, part 532, located on the visible inner collar ring, the second thickening element is part 531, located on the outer collar ring, both elements are part of the bellow collar, and the articulated section located between the elements, the hinge formed at the central collar meeting the stiffening element is thinner material than the two thickening elements).

8. Claim 13: ‘693 teaches that the articulated section in the non-visible section of the collar directly adjoins the stiffening element (fig. 5, the articulated section in the non-visible section adjoins the stiffening element, part 532).

9. Claim 15: ‘693 teaches that the annular stiffening element is a nose (fig. 5, part 532) with a thickened are disposed at the inner free edge of the inner collar ring and the central collar ring (fig. 5) with the inner collar ring having a thickness less than the stiffening element (fig. 5).

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10. Claim 16: '693 teaches that the thickened area of the noses extends radially outwardly from the inner collar ring (fig. 5, part 532, clearly shows the that the stiffening element extends radially outwardly from the central collar ring, providing the inner collar ring with a radially inwardly facing surface being substantially uniform and uninterrupted).

11. Claim 21: '693 teaches that the inner and the outer collar rings are parallel to each other (fig. 4 & 5, parts 511 & 513) with the central collar ring diagonal (fig. 4 & 5, part 512).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (U.S. pgpub 2004/0103693).**

14. Claim 17: 693 does not teach a beaded section on the central collar ring. '693 teaches a plurality of stiffening beads located on portions of the inner and outer collar ring (fig. 5, part 531, [0071]-[0074] & [0081]) to prevent the deformation of the outer and inner rings of the collar

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([0071]-[0074] & [0081]) where the beads are spaced away from the edges of the rings (fig. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a stiffening bead on the central ring spaced away from the edge (thus the articulated section would fall between the bead and the noise, since the articulated section is the area of the central ring meeting up with the noise section) in apparatus '693 to yield the predictable results of helping to prevent the deformation of the central collar ring.

'693 teaches that the bead is thicker than the straight parts of the collar rings (fig. 5). Therefore the bead located on the central collar ring will have a thicker cross section than the straight part forming the articulated section between the bead and the noise.

15. Claim 18: '693 teaches that the noise (part 532) has a greater thickness than the articulated section (fig. 5, clearly shows that the nose is thicker than the part of the central collar connecting to the nose, i.e. the articulated section).

16. Claim 19: '693 teaches that there is collar spacing on both sides of the bead elements (fig. 5, shows flat section of the collar on both sides of the beads, spacing the beads from the edge elements of the collar) where the flat section has a thickness less than the bead element (fig. 5, part 531 has a thicker cross section than the flat elements). Therefore the section of the flat element on the central ring between the bead element (see claim 17 for bead element on central ring) and the outer free edge (the edge connecting the central ring and outer ring) of having a thickness less than the bead element.

**Claims 9 & 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (U.S. pgpub 2004/0103693) as applied to claims 8 and 14 above further in view of Deuring (U.S. 4,826,180, hereafter '180).**

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17. Claims 9 & 22: `693 teaches that the collar is made of a flexible material ([0068]) but does not teach a metal ring vulcanized at least one of on and in the bellows type collar. `180 is solving the same problem as `693 of strengthening a flexible seal member. `180 teaches vulcanizing a metal ring in the flexible seal to strength that seal member (col. 1, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have vulcanized a metal ring as taught by `180 into the flexible sealing collar of `693 to have strengthened the collar.

***Allowable Subject Matter***

18. Claim 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Claim 20 would be allowable because the prior art does not reasonable teach or suggest that at least a portion of the central collar ring disposed between the bead and the outer free edge includes a thickness being less than the thickness of the articulated section.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 5:45-3:15, every other F 5:45-2:15 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./  
Examiner, Art Unit 1712

/Michael Cleveland/  
Supervisory Patent Examiner, Art Unit 1712